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UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/966,114	10/01/2001	Wilfried A. Maestle	2091/49088CP2	7440

7590	08/09/2006	**EXAMINER**

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ART UNIT	PAPER NUMBER
3628	

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Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	09/966,114	MAESTLE, WILFRIED A.
	Examiner	Art Unit	
	OJO O. OYEBISI	3628	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *08/05/2005*
2a) ☐ This action is **FINAL.**   2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-26* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) *1-26* is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on <u>01 October 2001</u> is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham* v. *John Deere Co.*, 383 U.S. 1, 148

USPQ 459 (1966), that are applied for establishing a background for determining

obviousness under 35 U.S.C. 103(a) are summarized as follows:

1.   Determining the scope and contents of the prior art.
2.   Ascertaining the differences between the prior art and the claims at issue.
3.   Resolving the level of ordinary skill in the pertinent art.
4.   Considering objective evidence present in the application indicating obviousness or nonobviousness.

2.   Claims 1-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Belcsak et al (Belcsak hereinafter, US Pub No: 2005/0182709) in view of Stout,

Jr. et al. (Stout Hereinafter, US PAT: 5,878,404).

Re claims 1-6. Belcsak further discloses a financial simulation computer program

product for creating a project preparation, negotiating, and testing environment using

standard project finance tools, comprising: a computer usable medium having

computer-readable program code embodied in a medium for generating financial

statements, financial data, charts, graphs and reports using the standard project finance

tools (see abstract, also see pg 2 paras 0010). Belcsak does not explicitly disclose the

product having means for providing limited recourse including debt service reserve

accounts, stand-by loans and risk-sharing with suppliers and off-takers, means for

allowing automatically generated or manual entry of and editing of capital expenditure

time series for multiple contracts in multiple capital expenditure categories; means for

selecting a desired financing time horizon for each loan; means for setting for each loan

a percentage of capital expenditure time series to be financed, means for automatically

generating a loan disbursement time series, and means for generating a loan

disbursement time series independent of changes in capital expenditure and exchange

rates based upon earlier automatically generated loan disbursement time series, and

means for automatically generating a loan disbursement time series to close a financing

gap and limiting the total loan amount drawn down from a loan during the disbursement

period by a total loan amount for that loan equal to a maximum amount disbursed for

principal plus a maximum interest amount to be capitalized both as entered by the user,

assigning a rank to a loan and ensuring that loans are drawn down according to their

rank with the loan with rank one being drawn down first. However, Stout discloses the

product having means for providing limited recourse including debt service reserve

accounts, stand-by loans and risk-sharing with suppliers and off-takers (see col.2 line

50-col.3 line 20), means for allowing automatically generated or manual entry of and

editing of capital expenditure time series for multiple contracts in multiple capital

expenditure categories (see Stout col.6 line 50-col.7 line 5); means for selecting a

desired financing time horizon for each loan (see Stout Background of the invention);

means for setting for each loan a percentage of capital expenditure time series to be

financed (see Stout col.6 line 50-col.7 line 5), means for automatically generating a loan

disbursement time series, and means for generating a loan disbursement time series

independent of changes in capital expenditure and exchange rates based upon earlier

automatically generated loan disbursement time series, and means for automatically

generating a loan disbursement time series to close a financing gap and limiting the

total loan amount drawn down from a loan during the disbursement period by a total

loan amount for that loan equal to a maximum amount disbursed for principal plus a

maximum interest amount to be capitalized both as entered by the user (i.e., The

module receives the time payment signals from the input module 14, as shown by step

44. The loan payment module 16 determines the appropriate allocation of the time

payment between principal, interest in accordance with known amortization methods,

and allocates taxes, insurance another escrow items in accordance with preset payment

plans, as shown by step 46. The appropriate allocation of a payment to P & I typically

depends on the principal balance, the interest rate, and the stage or remaining term of

the loan. Accordingly, the loan payment module 16 receives signals indicative of the

principal, rate and term from the loan origination and administration module 12, and

generates in dependence thereupon signals indicative of the amount by which to reduce

the principal balance of the loan. As shown by step 48, the loan origination and

administration module 12 receives the principal reduction signals and tracks the

reduction in the principal balance by the remaining term or number of payment periods

34 is also decremented time payments. Reduced principal signals 30 are then stored in

memory awaiting the next time payment, see col.4 lines 45-67, also see abstract),

ensuring that loans are drawn down accordingly (i.e., loan tracking module and principal

reduction, see abstract also see fig.6). Neither Belcsak nor Stout discloses assigning a

rank to a loan. However, official notice is taken that ranking of parameters and/or

attributes is old and well known in the art. Thus it would have been obvious to one of

ordinary skill in the art to incorporate what is old and well-known in the art in the

combination of Belcsak and Stout to allow for adjustable interest rates because such a

simulation would provide a predictable revenue stream to a lender and it would allow

debtors to manage their loans without having to go through refinancing process.

Re claim 7. Belcsak further discloses the computer program product, wherein means

is provided to allow the user to ensure that sufficient loan funds are disbursed to

ensure that one of a Cash flow after Debt Service Cash flow after DSRA+fill DSRA

(debt service reserve account filled to required level) Cash flow after Interest on DSRA

Cash flow after Draw-down of Standby Construction Cash flow after Draw down of

Standby Repayment Cash flow after Interest on Standby Construction Cash flow after

Interest on Standby Repayment Cash flow after deferred Variable Costs Cash flow

after Interest deferred Variable Costs Cash flow after deferred Fees (Off-taker) Cash

flow for the Month (after Interest deferred Off-taker) is a least zero through a time slice

inputted by user and in case of a Cash flow after DSRA+fill DSRA ensuring that the

debt service reserve accounts are filled to their required levels (i.e., The system

calculates and summarizes the cash flows and taxable income effects of all

instruments automatically. It also provides ability to add, delete, rename and

reorganize (tree-like) all payment stream classifications. The system also provides the

capability to filter payment streams according to party, outcome, or cash versus taxable

income. It also provides capability to view payment stream summary according to any ad-hoc date stream specified by the user. Data can be summarized annually, monthly, daily, or even in combination (daily for the first couple years, annually thereafter). This is enormously difficult to do in a spreadsheet. Also, categories can be collapsed to show less detail, or expanded to show more detail. Categories can also be expanded to show individual payments contained in the category for auditing purposes. Subtotals can be shown on top of items totaled or below them, with a button-click. This makes reading the reports easier. The editor for the symbols is useable in symbolic-definition formulas (i.e., "CollectWhatever"). Additionally, the system provides standard financial statements (income, balance sheet, funds flow), see pg 9 paras 0120).

Re claim 8. Belcsak does not explicitly disclose computer program product, wherein means is provided to allow the user to enter in case of a coupon bond a fixed interest rate, in case of a revenue or customized bond to select one of a fixed interest rate, a freely selectable variable interest rate or a manual interest rate, while in case of a variable interest rate creating a link between a bond and variable interest rate and ensuring change of bond interest rate at appropriate rollover date with basis points added or subtracted as user inputs, and, in case of manual interest rate selection, giving access to entry fields to set manually interest rate at appropriate rollover dates not allowing changes between such dates ensuring that in case of a revenue bond interest is paid only if the project company makes a profit and not paid interest is paid at a later interest payment date once profitability is restored. However, Stout makes this disclosure (see col.4, line 66-col.6 line 15). Thus it would have obvious to one of

ordinary skill in the art to incorporate the teachings of Stout into Belcsak to allow

debtors to manage their loans without having to go through refinancing process.

Re claim 9. Belcsak does not explicitly disclose the computer program product, wherein

means is provided to allow the user to select the number of months interest is paid in

arrears. However, Stout discloses the computer program product, wherein means is

provided to allow the user to select the number of months interest is paid in arrears (i.e.,

see debtor's election and resetting of interest rates, see col. 6 lines 45-50, also see the

abstract). Thus it would have obvious to one of ordinary skill in the art to incorporate the

teachings of Stout into Belcsak to allow flexibility in loan repayment process for the

debtors and to allow debtors to manage their loans without having to go through

refinancing process.

Re claims 10. Belcsak discloses the computer program product, wherein means is

provided to allow the user to automatically generate a retirement plan with the

retirement frequency selectable as one of monthly, quarterly, half-yearly or yearly

ensuring that the debt is retired at face value. However, Stout makes this disclosure

(see Stout col.6 line 50-col.7 line 40). Thus it would have obvious to one of ordinary skill

in the art to incorporate the teachings of Stout into Belcsak to allow debtors to manage

their loans without having to go through refinancing process.

Re claim 11. Belcsak does not explicitly disclose computer program product, wherein

means is provided for manual editing of the retirement plan, allowing manual setting

each month during a retirement period the percentage of the total face value of debt

amount issued to be retired during that month and the percentage of the face value paid

for a unit of face value retired permitting simulation of capital gains or losses resulting

from debt retirement. However, Stout discloses the computer program product, wherein

means is provided for manual editing of the retirement plan, allowing manual setting

each month during a retirement period the percentage of the total face value of debt

amount issued to be retired during that month and the percentage of the face value paid

for a unit of face value retired permitting simulation of capital gains or losses resulting

from debt retirement (see Stout col.6 line 50-col.7 line 40). Thus it would have obvious

to one of ordinary skill in the art to incorporate the teachings of Stout into Belcsak to

allow debtors to manage their loans without having to go through refinancing process.

Re claims 12 and 13. Belcsak does not explicitly disclose the computer program

product, wherein means is provided for automatically creating a reserve for bond debt

retirement allowing the user to select one of fixed interest rate, variable interest rate or

manual interest rate for interest paid on reserve. However, Stout makes this disclosure

(see col.4, line 66-col.6 line 15). Thus it would have been obvious to one of ordinary skill

in the art to incorporate what is old and well-known in the art in the combination of

Belcsak and Stout to allow debtors to manage their loans without having to go through

refinancing process.

Re claims 14-19. Belcsak discloses a method for implementing a machine-readable

financial simulation computer program, comprising: installing the program which is

contained as computer readable code on a computer usable medium in a computer

permitting entry of data representative of multiple contracts and multiple expenditure

categories see abstract, also see pg 2 paras 0010). Belcsak does not explicitly disclose

selecting a desired loan financing time horizon; setting a percentage of a capital

expenditure time series to be financed; and generating a loan disbursement time series

and disbursement schedule independent of changes in capital expenditures and in

exchange rates; and method for automatically generating a loan disbursement time

series to close part of or all of a financing gap and limiting the total loan amount drawn

down from a loan during the disbursement period by a total loan amount for that loan

equal to a maximum amount disbursed for principal plus a maximum interest amount to

be capitalized both as entered by the user, assigning a rank to a loan and ensuring that

loans are drawn down according to their rank with the loan with rank one being drawn

down first. However, Stout discloses means for selecting a desired financing time

horizon for each loan (see Stout Background of the invention); means for setting for

each loan a percentage of capital expenditure time series to be financed (see Stout

col.6 line 50-col.7 line 5), means for automatically generating a loan disbursement time

series, and means for generating a loan disbursement time series independent of

changes in capital expenditure and exchange rates based upon earlier automatically

generated loan disbursement time series, and means for automatically generating a

loan disbursement time series to close a financing gap and limiting the total loan

amount drawn down from a loan during the disbursement period by a total loan amount

for that loan equal to a maximum amount disbursed for principal plus a maximum

interest amount to be capitalized both as entered by the user (i.e., The module receives

the time payment signals from the input module 14, as shown by step 44. The loan

payment module 16 determines the appropriate allocation of the time payment between

principal, interest in accordance with known amortization methods, and allocates taxes,

insurance another escrow items in accordance with preset payment plans, as shown by

step 46. The appropriate allocation of a payment to P & I typically depends on the

principal balance, the interest rate, and the stage or remaining term of the loan.

Accordingly, the loan payment module 16 receives signals indicative of the principal,

rate and term from the loan origination and administration module 12, and generates in

dependence thereupon signals indicative of the amount by which to reduce the principal

balance of the loan. As shown by step 48, the loan origination and administration

module 12 receives the principal reduction signals and tracks the reduction in the

principal balance by the remaining term or number of payment periods 34 is also

decremented time payments. Reduced principal signals 30 are then stored in memory

awaiting the next time payment, see col.4 lines 45-67, also see abstract), ensuring that

loans are drawn down accordingly (i.e., loan tracking module and principal reduction,

see abstract also see fig.6). Neither Belcsak nor Stout discloses assigning a rank to a

loan. However, official notice is taken that ranking of parameters and/or attributes is old

and well known in the art. Thus it would have been obvious to one of ordinary skill in the

art to incorporate what is old and well-known in the art in the combination of Belcsak

and Stout to allow for adjustable interest rates because such a simulation would provide

a predictable revenue stream to a lender and it would allow debtors to manage their

loans without having to go through refinancing process.

Re claim 20. Claim 20 recites similar limitations to claim 7, and thus rejected using the

same art and rationale as in claim 7.

Re claim 21. Claim 21 recites similar limitations to claim 8, and thus rejected using the same art and rationale as in claim 8.

Re claim 22. Claim 22 recites similar limitations to claim 9, and thus rejected using the same art and rationale as in claim 9.

Re claim 23. Claim 23 recites similar limitations to claim 10, and thus rejected using the same art and rationale as in claim 10.

Re claim 24. Claim 24 recites similar limitations to claim 11, and thus rejected using the same art and rationale as in claim 11.

Re claims 25 and 26. Claims 25 and 26 recite similar limitations to claims 13 and 14 above, and thus rejected using the same art and rationale as in claims 13 and 14.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to OJO O. OYEBISI whose telephone number is (571) 272-8298. The examiner can normally be reached on 8:30A.M-5:30P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, HYUNG S. SOUGH can be reached on (571)272-6799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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